

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

THE UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF NEW YORK,

Defendant.

Civil Action No. 13-CV-4165
(NGG)

RAYMOND O'TOOLE, ILONA
SPIEGEL, and STEVEN FARRELL,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

ANDREW M. CUOMO, in his official
capacity as Governor of the State of New
York, NIRAV R. SHAH, in his official
capacity as Commissioner of the New
York State Department of Health,
KRISTIN M. WOODLOCK, in her
official capacity as Acting Commissioner
of the New York State Office of Mental
Health, THE NEW YORK STATE
DEPARTMENT OF HEALTH, and THE
NEW YORK STATE OFFICE OF
MENTAL HEALTH,

Defendants.

Civil Action No. 13-CV-4166
(NGG)

**STIPULATION AND ORDER TO EXTEND SECOND AMENDED
STIPULATION OF SETTLEMENT AND SUPPLEMENT TO SECOND
AMENDED STIPULATION**

WHEREAS, the Parties in the above-captioned actions entered into a Stipulation and Order of Settlement on July 23, 2013, an Amended Stipulation and Order of Settlement on January 30, 2014, a Second Amended Stipulation and Order of Settlement on May 4,

2017 (the “Agreement”), and a Supplement to Second Amended Stipulation and Order of Settlement on March 8, 2018 (the “Supplement”) and;

WHEREAS, the Supplement incorporated the Second Amended Stipulation and Order of Settlement by reference; and

WHEREAS, the Supplement is incorporated by reference herein in its entirety, except for the modifications to the terms and conditions of the Supplement to which the Parties have agreed, specifically set forth below;

IT IS HEREBY STIPULATED AND AGREED by and between the Parties, that the following terms and conditions supplement, or, where specifically noted, modify the terms and conditions set forth in the Supplement:

1. Section H.2 of the Supplement is hereby amended and replaced, in its entirety, as follows:

The Court’s jurisdiction to ensure compliance with the Agreement and this Supplement shall terminate on December 31, 2023 if, as of that date, the State has transitioned substantially all eligible NYC Adult Home Residents who are appropriate to be transitioned and has substantially complied with its other obligations as set forth in the Agreement and this Supplement. Any violation that has subsequently been cured by providing NYC Adult Home Residents with the services the State is obligated to provide under the Agreement and this Supplement will not prevent termination of the Court’s jurisdiction over the Agreement and this Supplement.

2. Section H.3 of the Supplement is hereby amended and replaced, in its entirety, as follows:

The Parties may agree to jointly ask the Court to terminate the Agreement and this Supplement earlier than December 31, 2023.

3. Section H.4 of the Supplement is hereby amended and replaced, in its entirety, as follows:

Upon 30 days' notice to the Plaintiffs and Independent Reviewer, the State may move to terminate the Agreement and this Supplement earlier than December 31, 2023.

4. Section H.5 of the Supplement is hereby amended and replaced, in its entirety, as follows:

Section M(2)(a)-(b) of the Agreement shall govern the termination of the Agreement and this Supplement and any party's objection to the termination of the Agreement and this Supplement except that references to the Independent Reviewer's "fifth and final report" are hereby amended to refer to the Independent Reviewer's "tenth and final report."

5. This Stipulation may be executed in counterparts, and each counterpart, when executed shall have the full efficacy of a signed original. Photocopies of such signed counterparts may be used in lieu of the originals for any purpose.

6. The undersigned representative of the Defendants certifies that he or she is authorized to enter into the terms and conditions of this Stipulation and to execute and bind legally such Defendants to this document.

7. Each undersigned representative of the Plaintiffs certifies that he or she is authorized to enter into the terms and conditions of this Stipulation and to execute and bind legally such Plaintiffs to this document.

Dated: May 10, 2021

For Plaintiff UNITED STATES OF AMERICA:

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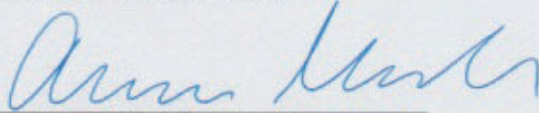
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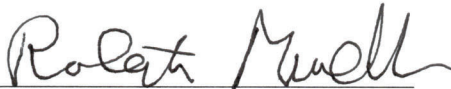
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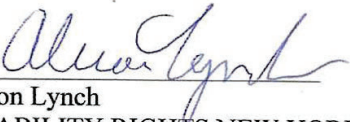
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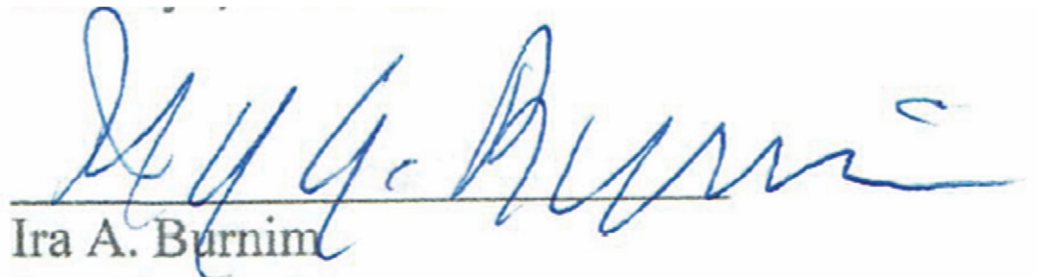
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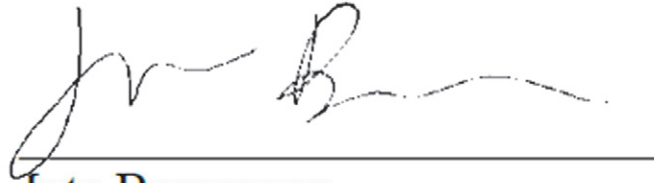


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A handwritten signature in black ink, appearing to read 'Jota Borgmann', is positioned above a horizontal line.

Jota Borgmann

Tanya Kessler

Kevin Cremin

Tiffany Liston

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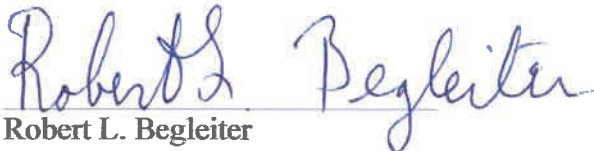
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SO ORDERED THIS
DAY OF MAY, 2021

SO-ORDERED. /s/ Nicholas G. Garaufis, U.S.D.J. Hon. Nicholas G. Garaufis Date: May 12, 2021
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Hon. Nicholas G. Garaufis
United States District Judge